

REMARKS

Applicants request reconsideration of this application in view of the present Amendment After Final.

35 U.S.C. § 112

Claims 2 and 9 have been amended merely with editorial corrections to particularly point out and distinctly claim the subject matter the Applicants regard as the invention as required by 35 U.S.C. § 112.

35 U.S.C. § 102

Applicants and the Examiner have agreed that Atkins et al. does not qualify as prior art under § 102(e). However, the Examiner has asserted that Atkins qualifies as prior art under § 102(a), and the basis of the outstanding rejections under § 102 has been converted to § 102(a). The Examiner was able to make this conversion because the publication date of Atkins is April 22, 1999, while the filing date of the PCT application upon which Applicants base this application is May 12, 1999. The analysis does not end here, however, because this application also claims priority to German patent application 198 22 077.4 which was filed on May 16, 1998 (a certified copy of which has been acknowledged to be in the file). Although German application 198 22 077.4 antedates the Atkins reference and fully supports the claims of this application, German application 198 22 077.4 is not an English language document. In order for the Applicants to rely upon the German priority document to antedate the Atkins reference a verified translation must be filed. *See* MPEP § 201.15; 37 C.F.R. § 1.55 (a)(4). Thus, accompanying this Amendment is a verified translation of German application 198 22 077.4.

Because German application 198 22 077.4 antedates the Atkins reference and fully supports the claims of this application, the claim rejections based on the Atkins reference under 35 U.S.C. § 102(a) should be withdrawn.

35 U.S.C. § 103

Because Atkins does not qualify as prior art under 35 U.S.C. § 102(a) as discussed above, it cannot be relied upon to support a rejection under 35 U.S.C. § 103(a). For this reason, the claim rejections based on the Atkins reference under 35 U.S.C. § 103(a) also should be withdrawn.

Conclusions

For the reasons discussed above, Applicants respectfully submit that claims 1-4, 6-9, 13 and 14, are allowable and allowance is requested.

Respectfully submitted,



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